

## **RESOLUTION DETERMINING NEED**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE FEE SIMPLE INTERESTS AND MINERAL INTERESTS IN CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE FEE SIMPLE INTERESTS AND MINERAL INTERESTS IN PROPERTY FOR THE MUNICIPAL SOLID WASTE FACILITY PROJECT; AND ESTABLISHING PROCEDURES FOR THE ACQUISITION OF FEE SIMPLE INTERESTS AND MINERAL INTERESTS IN PROPERTY.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for each of the parcels in which the City of College Station is to acquire fee simple interests and mineral interests for the location of a municipal solid waste facility Project; and

WHEREAS, there may be improvements located on some of the real property in which an interest is acquired for this project, and such improvements may be required to be moved or demolished prior to the beginning of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the municipal solid waste facility Project, and the public welfare and convenience will be served by the acquisition of fee simple interests and mineral interests in the properties contained within the perimeter boundaries of the tract described in the metes and bounds field notes in Exhibit "A" attached hereto and made a part hereof for all purposes.
- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a land agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of such properties for the municipal solid waste facility Project.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for fee simple interests and mineral interests in said parcels.

- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of fee simple interests and mineral interests in the parcels.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of fee simple interests and mineral interests, the City's Land Agent is authorized to communicate a written offer to the owners of said parcels for the acquisition of said parcels at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.
- PART 6: That the Mayor after approval by City Council is hereby authorized to execute all documents necessary to acquire fee simple interests and mineral interests in said parcels in each of the parcels needed for said project, on behalf of the City of College Station.
- PART 7: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, located on the real property acquired in connection with this project.
- PART 8: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2001.

ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
LYNN McILHANEY, Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**  
**PRELIMINARY FIELD NOTES**  
**609.75 ACRES**  
**BEING A PART OF THE REMAINDER OF**  
**A CALLED 1298.087 ACRE TRACT**  
**JOSEPH T. ROBINSON SURVEY, ABSTRACT NO. 390 &**  
**THE GEORGE MASON SURVEY, ABSTRACT NO. 342**  
**GRIMES COUNTY, TEXAS**  
**SEPTEMBER 19, 2000**

All that certain lot, tract or parcel of land being 609.75 acres situated in JOSEPH T. ROBINSON SURVEY, Abstract No. 390, and the GEORGE MASON SURVEY, Abstract No. 342, and being out of and a part of the remainder of that certain Called 1298.087 acre tract of land as described to R. P. Trant, et al., in several tracts of land by deeds recorded in Volume 49, Page 237, 238, & 260 (called 10 acres, 7 acres, & 5 acres, respectively), Volume 52, Page 336 (called 10 acres), Volume 52, Page 354 (called 10 acres), Volume 67, Page 584 (called 40 acres), Volume 96, Page 108 (called 9-6/10 acres), Volume 162, Page 181 (Second Tract-called 60 acres), Volume 190, Page 483 (called 60 acre remainder of called 62-5/6 acres), Volume 193, Page 480 (called 57 acres less 10 acres, 7 acres, & 5 acres), Volume 195, Page 433 (called north 1/2 of called 40 acres), Volume 217, Page 370 (called 97 acres), Volume 221, Page 42 (called 44.43 acres, Being Lots 1, 2, & 3-14.81 acres each-of Subdivision of Lot 4 of the Partition of the Prew Stuckey Estate-Map in Correction Deed in Volume 118, Page 351), Volume 221, Page 605 (called 65 acre remainder of called 122 acres less 57 acres), Volume 223, Page 69 (First Tract-called 14.81 acres & Second Tract-called 10 acres), Volume 223, Page 70 (First Tract-called 47-1/2 acres & Second Tract-called 6-1/4 acre remainder of called 16-1/4 acres less 10 acres), Volume 224, Page 599 (called 48-3/4 acres), Volume 279, Page 83 (called 10 acres), Volume 745, Page 584 (called 20.228 acres and being all of the called 20.24 acres being the south 1/2 of called 40 acres as described in Volume 586, Pages 313 & 318), Volume 659, Page 346 (called 20.0 acres), Volume 673, Page 672 (called 568.359 acres), Volume 709, Page 137 (called 8.5 acres), Volume 807, Page 728 (called 10 acres), Volume 922, Page 283 (called 44.41 acre remainder of called 47.41 acres), all of the Deed Records of Grimes County, Texas (D.R.G.C.T.): said 609.75 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point for the northwest corner at the intersection of the calculated common survey line of the Joseph T. Robinson Survey, Abstract No. 390 and the George W. Seaton Survey, Abstract 409 with the south right-of-way line of State Highway No. 30, as occupied, same also being a point in an existing fence line and the northerly line of the remainder of said Trant, et al. called 60 acre remainder of the called 62-5/6 acre tract of land as described in Volume 190 Page 483, D.R.G.C.T.;

THENCE, N 85°06'42" E, along said south right-of-way line of State Highway No. 30, as occupied, generally along said fence line along the north lines of the remainders of said Trant, et al. called 60 acre remainder of the called 62-5/6 acre tract of land (190/483), said called 8.5 acre tract of land (709/137), said called 20 acre tract of land (659/346), said called 44.43 acre tract of land (221/42), and said called 20 acre tract of land (195/433), a distance of 3979.09 feet to a point for the northeast corner;

THENCE, S 05°19'14" W, leaving said fence line and said south right-of-way line of State Highway No. 30 and with an existing fence line across and through the interior of said Trant, et al. called 20 acre tract (195/433), a distance of 222.16 feet to a point for angle;

THENCE, S 38°27'45" E, continuing along said fence line across and through the interior of said Trant, et al. called 20 acre tract of land (195/433), a distance of 35.88 feet to a point for angle, same being a point in the east line of said Trant, et al. called 20 acre tract of land (195/433);

THENCE, S 00°46'59" E, along said east line of the Trant, et al. called 20 acre tract (195/433), a distance of 384.10 feet to the calculated southeast corner of said Trant, et al. called 20 acre tract (195/433), same being the calculated northeast corner of said called 20.228 acre tract (745/584) and the calculated most northerly northwest corner of said R. P. Trant called 97 acre tract of land (217/370);

THENCE, S 00°46'59" E, along the east line of said called 20.228 acre tract (745/584) and the most northerly west line of said R. P. Trant called 97 acre tract (217/370), a distance of 1033.19 feet to a point in an existing fence line for angle;

THENCE, S 02°06'14" E, along said existing fence line and with said most northerly west line of said R. P. Trant called 97 acre tract (217/370) and the east line of said called 20.228 acre tract of land (745/584), as occupied, a distance of 98.61 feet to a point for angle, same being the southeast corner of said called 20.228 acre tract (745/584) and an interior corner of said R. P. Trant called 97 acre tract (217/370);

THENCE, continuing along said existing fence line, with a line across and through said R. P. Trant called 97 acre tract (217/370), the following courses:

- 1.) S 06°41'18" E, a distance of 127.39 feet to a fence corner found for angle;
- 2.) S 07°43'02" E, a distance of 421.80 feet to a fence corner found for angle;
- 3.) S 10°27'39" E, a distance of 967.91 feet to a fence corner found for angle;
- 4.) S 10°33'41" E, a distance of 1240.63 feet to a fence corner found for angle;
- 5.) S 12°38'13" E, a distance of 448.68 feet to a fence corner found for angle;
- and,
- 6.) S 19°24'46" E, a distance of 60.20 feet to a point for angle, same being a point in the east line of said R. P. Trant called 97 acre tract of land (217/370);

THENCE, S 01°07'42" E, along said east line of the R. P. Trant called 97 acre tract (217/370), a distance of 76.87 feet to a point for an interior corner at the southeast corner of said Trant, et al. called 97 acre tract (217/370), same being a point in the calculated north line of the George Mason Survey, Abstract 342, and a south line (calculated) of said Joseph T. Robinson Survey, Abstract 390, same also being a north line (calculated) of the Trant, et al. called 568.359 acre tract of land (673/672);

THENCE, N 88°52'19" E, along said calculated north line of the George Mason Survey, Abstract 342, said calculated south line of the Joseph T. Robinson Survey, Abstract 390, and said calculated north line of the Trant, et al. called 568.359 acre tract of land

(673/672), a distance of 876.48 feet to a point for an exterior corner at the calculated northeast corner of said George Mason Survey, Abstract 342 and of said Trant, et al. called 568.359 acre tract of land, same being a calculated interior corner of said Joseph T. Robinson Survey, Abstract 390;

THENCE, S 01°09'16" E, along the calculated east line of said George Mason Survey, Abstract 342 and of said Trant, et al. called 568.359 acre tract of land, same being a west line (calculated) of said Joseph T. Robinson Survey, Abstract 390, a distance of 1675.09 feet to a point for the southeast corner in the centerline of an existing electric power line (TMPA);

THENCE, along said centerline of the existing electric power line (TMPA), generally in a westerly direction, across and through said Trant, et al. called 568.359 acre tract of land (673/672), said called 5 acre tract of land (49/260), said called 65 acre remainder of the called 122 acre tract of land (221/605), said called 10 acre tract of land (49/237), and said remainder of the called 57 acre tract of land (193/480), the following calls:

- 1.) S 44°15'23" W, a distance of 102.17 feet to a point for angle;
- 2.) N 77°58'23" W, a distance of 430.51 feet to a point for angle;
- 3.) N 78°28'47" W, a distance of 512.83 feet to a point for angle;
- 4.) N 78°44'37" W, a distance of 276.40 feet to a point for angle;
- 5.) N 78°26'11"W, a distance of 342.35 feet to a point for angle;
- 6.) N 78°22'47" W, a distance of 376.55 feet to a point for angle;
- 7.) N 78°20'11" W, a distance of 359.18 feet to a point for angle;
- 8.) N 78°29'31" W, a distance of 444.29 feet to a point for angle;
- 9.) N 78°28'15" W, a distance of 735.12 feet to a point for angle;
- 10.) N 78°22'32" W, a distance of 375.16 feet to a point for angle; and,
- 11.) N 78°32'34" W, a distance of 1574.50 feet to a point for the southwest corner in the calculated west line of the George Mason Survey, Abstract 342, same being the aforesaid calculated east line of the George W. Seaton Survey, Abstract 409, same also being the west line of said remainder of the called Trant, et al. called 57 acre tract of land (193/480);

THENCE, N 01°07'42" W, along said calculated west line of the George Mason Survey, Abstract 342 and the calculated east line of the George W. Seaton Survey, Abstract 409, and continuing with the aforesaid calculated west line of the Joseph T. Robinson Survey, Abstract 390, same being said west line of the remainder of the Trant, et al. called 57 acre tract of land (193/480) and the west line of said Trant, et al. called 60 acre tract of land (162/181-Second Tract), and continuing across and through said Trant, et al. called 44.41 acre remainder of the called 47.41 acre tract of land (922/283) and said called 60 acre remainder of the called 62-5/6 acre tract of land (190/483), a distance of 5357.93 feet to the POINT OF BEGINNING AND CONTAINING AN AREA OF 609.75 ACRES OF LAND, MORE OR LESS. North Orientation is based on rotating the southerly right-of-way line of State Highway No. 30, as occupied, to true north utilizing GPS Methods.